

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

CYWEE GROUP LTD.,

Plaintiff,

v.

HTC CORPORATION; and HTC AMERICA,
INC.,

Defendants.

Civil Action No. 17-cv-932

COMPLAINT FOR PATENT
INFRINGEMENT

JURY DEMAND

Plaintiff CyWee Group Ltd. ("Plaintiff" or "CyWee"), by and through its undersigned counsel, files this Complaint against Defendants HTC Corporation and HTC America, Inc. as follows:

THE PARTIES

1. CyWee is a corporation existing under the laws of the British Virgin Islands with a principal place of business at 3F, No. 28, Lane 128, Jing Ye 1st Road, Taipei, Taiwan 10462.

2. CyWee is a world-leading technology company that focuses on building products and providing services for consumers and businesses. CyWee has one of the most significant patent portfolios in the industry, and is a market leader in its core development areas of motion processing, wireless high definition video delivery, and facial tracking technology.

5. Defendants HTC Corp. and HTC America are collectively referred to as “Defendants” or “HTC.” HTC is doing business in the United States and, more particularly, in the State of Washington and the Western District of Washington, by designing, marketing, making, using, selling, importing, and/or offering for sale products that infringe the patent claims involved in this action or by transacting other business in this District.

6. This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

COMPLAINT FOR PATENT INFRINGEMENT - 2
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CYWE-6-0001P01 CMP

1 availing themselves of this court's authority and filing suit in this district. *See HTC Corp. and HTC*
 2 *Am., Inc. v. Telefonaktiebolaget LM Ericsson and Ericsson Inc.*, No. 2:17-cv-00534 (W.D. Wash.
 3 Apr. 6, 2017). Plaintiff's causes of action arise directly from Defendants' business contacts and
 4 other activities in the State of Washington and the Western District of Washington. Additionally,
 5 HTC America is incorporated in Washington. Accordingly, this Court has personal jurisdiction
 6 over HTC America in that it resides in this District.

7 8. Upon information and belief, each Defendant has committed acts of infringement
 8 in this District giving rise to this action and does business in this District, including making sales
 9 and/or providing service and support for their respective customers in this District. Defendants
 10 purposefully and voluntarily sold one or more of their infringing products with the expectation that
 11 they would be purchased by consumers in this District. These infringing products have been and
 12 continue to be purchased by consumers in this District. Defendants have committed acts of patent
 13 infringement within the United States, the State of Washington, and the Western District of
 14 Washington.

15 9. Venue is proper as to HTC America under 28 U.S.C. § 1400(b) in that HTC
 16 America is incorporated in Washington and, therefore, resides in this District. *TC Heartland LLC*
 17 *v. Kraft Food Grps. Brands LLC*, 581 U.S. ___, 2017 WL 2216934, at *8 (2017).

18 10. Venue is proper as to HTC Corp. under 28 U.S.C. § 1391(c)(3) in that it is not a
 19 resident of the United States and may, therefore, be sued in any judicial district. *Brunette Mach.*
 20 *Works, Ltd. v. Kockum Indus., Inc.*, 406 U.S. 706, 714 (1972).

21 11. Upon information and belief, HTC America is an agent of HTC Corp. and is held
 22 out to the public as such. *See, e.g.,* <http://www.htc.com/us/terms/copyright/> (last visited June 9,
 23 2017) (naming HTC America as HTC Corp.'s "Copyright Agent");
 24 <https://www.theverge.com/2013/9/13/4728670/layoffs-hit-htc-america-as-the-company->
 25

1 [struggles-to-turn-itself-around](#) (last visited June 9, 2017) (describing layoff at HTC's America
2 division with statement from HTC Corp. regarding its decision as to the layoff).

3 12. Further, upon information and belief, HTC America operates under the "HTC"
4 trademark; offers, sells, services, and/or distributes only HTC products; and coordinates its policies
5 and operations with those of HTC Corp. to benefit and primarily serve the interests of HTC Corp.
6 Upon information and belief, for consumers of the products accused in this Complaint, there is no
7 substantive difference between HTC America and HTC Corp.

8 13. Accordingly, venue is further proper as to HTC Corp. under 28 U.S.C. § 1400(b)
9 in that, upon information and belief, HTC Corp. has a regular and established place of business in
10 this District—namely, the place of business of its subsidiary/agent, HTC America—and has
11 committed acts of infringement herein.

12 BACKGROUND

13 14. The Industrial Technology Research Institute ("ITRI") is a Taiwanese government-
14 and industry-funded research and development center. In 2007, CyWee, which was started at ITRI,
15 was formed. Its goal was to provide innovative motion-sensing technologies, such as those claimed
16 in the patents-in-suit. Dr. Shun-Nan Liu and Chin-Lung Li, two of the inventors of the patents-in-
17 suit, came to CyWee from ITRI. The third inventor, Zhou "Joe" Ye joined CyWee from private
18 industry as its President and served as CEO from 2006 to 2016.

19 15. The inventors, Zhou Ye, Chin-Lung Li, and Shun-Nan Liou, conceived of the
20 claims of the patents-in-suit—U.S. Patent No. 8,441,438 (the "'438 Patent") and U.S. Patent
21 No. 8,552,978 (the "'978 Patent")—at CyWee Group Ltd., located at 3F, No. 28, Lane 128, Jing
22 Ye Road, Taipei.

23 16. Several claims of the patents-in-suit are entitled to a priority date of at least
24 January 6, 2010 based on U.S. Provisional Application Serial No. 61/292,558, filed January 6,
25 2010 ("Provisional Application").
26

1 17. Before May 22, 2009, CyWee began working on the “JIL Game Phone Project” or
2 “JIL Phone.” Before July 29, 2009, CyWee developed a solution for the JIL Phone that practiced
3 several claims of the ’438 Patent. Those claims were diligently and constructively reduced to
4 practice thereafter through the filing of the Provisional Application and were diligently and
5 actually reduced to practice as discussed below. Accordingly, CyWee is entitled to a priority date
6 of at least July 29, 2009 for several claims of the ’438 Patent.

7 18. The JIL Phone was reduced to practice by at least September 25, 2009. The JIL
8 Phone practiced several claims of both patents-in-suit. Accordingly, CyWee is entitled to a priority
9 date of at least September 25, 2009 for several claims of the patents-in-suit.

10 **PATENT INFRINGEMENT OF U.S. PATENT NO. 8,441,438**

11 19. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-18 as
12 though fully set forth herein.

13 20. The ’438 Patent, titled “3D Pointing Device and Method for Compensating
14 Movement Thereof,” was duly and legally issued by the United States Patent and Trademark
15 Office on May 14, 2013 to CyWee Group Limited, as assignee of named inventors Zhou Ye, Chin-
16 Lung Li, and Shun-Nan Liou.

17 21. CyWee is the owner of all right, title, and interest in and to the ’438 Patent with full
18 right to bring suit to enforce the patent, including the right to recover for past infringement
19 damages.

20 22. The ’438 Patent claims, *inter alia*, a machine capable of detecting, measuring, and
21 calculating the movements and rotations of the machine—utilizing, *inter alia*, a six-axis motion
22 sensor module, a data transmitting unit, and a computing processor in one or more claimed
23 configurations—and methods for measuring and calculating the movements and rotations of a
24 device within a spatial reference frame.

23. The '438 Patent is directed to useful and novel particular embodiments and methods for detecting, measuring, and calculating motion within a spatial reference frame. The '438 Patent is not intended to, and does not, claim every possible means of detecting, measuring, and calculating motion within a spatial reference frame. Accordingly, the '438 Patent is not directed to, and does not claim, the mere concept of motion sensing or of detecting, measuring, and calculating motion within a spatial reference frame.

24. Each and every claim of the '438 Patent is valid and enforceable and each enjoys a statutory presumption of validity separate, apart, and in addition to the statutory presumption of validity enjoyed by every other of its claims. 35 U.S.C. § 282.

25. CyWee is informed and believes, and thereupon alleges, that HTC has been, and is currently, directly and/or indirectly infringing one or more claims of the '438 Patent in violation of 35 U.S.C. § 271, including as stated below.

26. CyWee is informed and believes, and thereupon alleges, that HTC has directly infringed, literally and/or under the doctrine of equivalents, and will continue to directly infringe claims of the '438 Patent by making, using, selling, offering to sell, and/or importing into the United States products that embody or practice the apparatus and/or method covered by one or more claims of the '438 Patent, including but not limited to Defendants' following devices:



HTC One M9



HTC One A9



HTC 10



HTC Bolt



HTC U Ultra

27. The foregoing devices are collectively referred to as the “’438 Accused Products” and include the below specifications and features.

28. On information and belief, HTC indirectly infringes the ’438 Patent by inducing others to infringe one or more claims of the ’438 Patent through sale and/or use of the ’438 Accused Products. On information and belief, at least as a result of the filing of this action, HTC is aware of the ’438 Patent; is aware that its actions with regards to distributors, resellers, and/or end users of the ’438 Accused Products would induce infringement; and despite such awareness will continue to take active steps—such as, creating and disseminating the ’438 Accused Products, and product manuals, instructions, promotional and marketing materials, and/or technical materials to

1 distributors, resellers, and end users—encouraging other’s infringement of the ’438 Patent with
2 the specific intent to induce such infringement.

3 29. The HTC 10 includes a display screen.

4 30. The HTC 10 includes a housing.

5 31. The HTC 10 includes a 3-axis accelerometer.

6 32. The HTC 10 includes a 3-axis gyroscope.

7 33. The HTC 10 includes at least one printed circuit board (“PCB”).

8 34. The HTC 10 includes a 3-axis accelerometer attached to a PCB.

9 35. The HTC 10 includes a 3-axis gyroscope attached to a PCB.

10 36. The HTC 10 includes a 3-axis accelerometer that is capable of measuring
11 accelerations.

12 37. The HTC 10 includes a 3-axis gyroscope that is capable of measuring rotation rates.

13 38. The HTC 10 runs an Android™ operating system.

14 39. The HTC 10 includes a 3-axis accelerometer that is capable of measuring
15 accelerations using a “Sensor Coordinate System” as described in the Android™ developer library.

16 See https://developer.android.com/guide/topics/sensors/sensors_overview.html (describing
17 “Sensor Coordinate System”).

18 40. The HTC 10 includes a 3-axis gyroscope that is capable of measuring rotation rates
19 using a “Sensor Coordinate System.”

20 41. The HTC 10 includes a processor that is capable of processing data associated with
21 measurement from a 3-axis accelerometer.

22 42. The HTC 10 includes a processor that is capable of processing data associated with
23 measurement from a 3-axis gyroscope.

24 43. The Android™ operating system that runs on the HTC 10 uses the measurement
25 from a 3-axis accelerometer included in the device.
26

1 44. The Android™ operating system that runs on the HTC 10 uses the measurement
2 from a 3-axis gyroscope included in the device.

3 45. The Android™ operating system that runs on the HTC 10 uses the measurement
4 from a 3-axis accelerometer and the measurement from a 3-axis gyroscope to calculate an attitude
5 of the device.

6 46. The HTC One M9 includes a display screen.

7 47. The HTC One M9 includes a housing.

8 48. The HTC One M9 includes a 3-axis accelerometer.

9 49. The HTC One M9 includes a 3-axis gyroscope.

10 50. The HTC One M9 includes at least one PCB.

11 51. The HTC One M9 includes a 3-axis accelerometer attached to a PCB.

12 52. The HTC One M9 includes a 3-axis gyroscope attached to a PCB.

13 53. The HTC One M9 includes a 3-axis accelerometer that is capable of measuring
14 accelerations.

15 54. The HTC One M9 includes a 3-axis gyroscope that is capable of measuring rotation
16 rates.

17 55. The HTC One M9 runs an Android™ operating system.

18 56. The HTC One M9 includes a 3-axis accelerometer that is capable of measuring
19 accelerations using a “Sensor Coordinate System” as described in the Android™ developer library.

20 See https://developer.android.com/guide/topics/sensors/sensors_overview.html (describing
21 “Sensor Coordinate System”).

22 57. The HTC One M9 includes a 3-axis gyroscope that is capable of measuring rotation
23 rates using a “Sensor Coordinate System.”

24 58. The HTC One M9 includes a processor that is capable of processing data associated
25 with measurement from a 3-axis accelerometer.
26

1 59. The HTC One M9 includes a processor that is capable of processing data associated
2 with measurement from a 3-axis gyroscope.

3 60. The Android™ operating system that runs on the HTC One M9 uses the
4 measurement from a 3-axis accelerometer included in the device.

5 61. The Android™ operating system that runs on the HTC One M9 uses the
6 measurement from a 3-axis gyroscope included in the device.

7 62. The Android™ operating system that runs on the HTC One M9 uses the
8 measurement from a 3-axis accelerometer and the measurement from a 3-axis gyroscope to
9 calculate an attitude of the device.

10 63. The HTC One A9 includes a display screen.

11 64. The HTC One A9 includes a housing.

12 65. The HTC One A9 includes a 3-axis accelerometer.

13 66. The HTC One A9 includes a 3-axis gyroscope.

14 67. The HTC One A9 includes at least one PCB.

15 68. The HTC One A9 includes a 3-axis accelerometer attached to a PCB.

16 69. The HTC One A9 includes a 3-axis gyroscope attached to a PCB.

17 70. The HTC One A9 includes a 3-axis accelerometer that is capable of measuring
18 accelerations.

19 71. The HTC One A9 includes a 3-axis gyroscope that is capable of measuring rotation
20 rates.

21 72. The HTC One A9 runs an Android™ operating system.

22 73. The HTC One A9 includes a 3-axis accelerometer that is capable of measuring
23 accelerations using a “Sensor Coordinate System” as described in the Android™ developer library.
24 See https://developer.android.com/guide/topics/sensors/sensors_overview.html (describing
25 “Sensor Coordinate System”).
26

1 74. The HTC One A9 includes a 3-axis gyroscope that is capable of measuring rotation
2 rates using a "Sensor Coordinate System."

3 75. The HTC One A9 includes a processor that is capable of processing data associated
4 with measurement from a 3-axis accelerometer.

5 76. The HTC One A9 includes a processor that is capable of processing data associated
6 with measurement from a 3-axis gyroscope.

7 77. The Android™ operating system that runs on the HTC One A9 uses the
8 measurement from a 3-axis accelerometer included in the device.

9 78. The Android™ operating system that runs on the HTC One A9 uses the
10 measurement from a 3-axis gyroscope included in the device.

11 79. The Android™ operating system that runs on the HTC One A9 uses the
12 measurement from a 3-axis accelerometer and the measurement from a 3-axis gyroscope to
13 calculate an attitude of the device.

14 80. The HTC Bolt includes a display screen.

15 81. The HTC Bolt includes a housing.

16 82. The HTC Bolt includes a 3-axis accelerometer.

17 83. The HTC Bolt includes a 3-axis gyroscope.

18 84. The HTC Bolt includes at least one PCB.

19 85. The HTC Bolt includes a 3-axis accelerometer attached to a PCB.

20 86. The HTC Bolt includes a 3-axis gyroscope attached to a PCB.

21 87. The HTC Bolt includes a 3-axis accelerometer that is capable of measuring
22 accelerations.

23 88. The HTC Bolt includes a 3-axis gyroscope that is capable of measuring rotation
24 rates.

25 89. The HTC Bolt runs an Android™ operating system.
26

1 90. The HTC Bolt includes a 3-axis accelerometer that is capable of measuring
2 accelerations using a “Sensor Coordinate System” as described in the Android™ developer library.
3 See https://developer.android.com/guide/topics/sensors/sensors_overview.html (describing
4 “Sensor Coordinate System”).

5 91. The HTC Bolt includes a 3-axis gyroscope that is capable of measuring rotation
6 rates using a “Sensor Coordinate System.”

7 92. The HTC Bolt includes a processor that is capable of processing data associated
8 with measurement from a 3-axis accelerometer.

9 93. The HTC Bolt includes a processor that is capable of processing data associated
10 with measurement from a 3-axis gyroscope.

11 94. The Android™ operating system that runs on the HTC Bolt uses the measurement
12 from a 3-axis accelerometer included in the device.

13 95. The Android™ operating system that runs on the HTC Bolt uses the measurement
14 from a 3-axis gyroscope included in the device.

15 96. The Android™ operating system that runs on the HTC Bolt uses the measurement
16 from a 3-axis accelerometer and the measurement from a 3-axis gyroscope to calculate an attitude
17 of the device.

18 97. The HTC U Ultra includes a display screen.

19 98. The HTC U Ultra includes a housing.

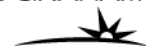
20 99. The HTC U Ultra includes a 3-axis accelerometer.

21 100. The HTC U Ultra includes a 3-axis gyroscope.

22 101. The HTC U Ultra includes at least one PCB.

23 102. The HTC U Ultra includes a 3-axis accelerometer attached to a PCB.

24 103. The HTC U Ultra includes a 3-axis gyroscope attached to a PCB.
25
26



1 104. The HTC U Ultra includes a 3-axis accelerometer that is capable of measuring
2 accelerations.

3 105. The HTC U Ultra includes a 3-axis gyroscope that is capable of measuring rotation
4 rates.

5 106. The HTC U Ultra runs an Android™ operating system.

6 107. The HTC U Ultra includes a 3-axis accelerometer that is capable of measuring
7 accelerations using a “Sensor Coordinate System” as described in the Android™ developer library.
8 See https://developer.android.com/guide/topics/sensors/sensors_overview.html (describing
9 “Sensor Coordinate System”).

10 108. The HTC U Ultra includes a 3-axis gyroscope that is capable of measuring rotation
11 rates using a “Sensor Coordinate System.”

12 109. The HTC U Ultra includes a processor that is capable of processing data associated
13 with measurement from a 3-axis accelerometer.

14 110. The HTC U Ultra includes a processor that is capable of processing data associated
15 with measurement from a 3-axis gyroscope.

16 111. The Android™ operating system that runs on the HTC U Ultra uses the
17 measurement from a 3-axis accelerometer included in the device.

18 112. The Android™ operating system that runs on the HTC U Ultra uses the
19 measurement from a 3-axis gyroscope included in the device.

20 113. The Android™ operating system that runs on the HTC U Ultra uses the
21 measurement from a 3-axis accelerometer and the measurement from a 3-axis gyroscope to
22 calculate an attitude of the device.

23 114. CyWee adopts, and incorporates by reference, as if fully stated herein, the attached
24 claim chart for claim 14 of the '438 Patent, which is attached hereto as Exhibit A. The claim chart
25
26

describes and demonstrates how HTC infringes the '438 Patent. In addition, CyWee alleges that HTC infringes one or more additional claims of the '438 Patent in a similar manner.

115. Defendants' acts of infringement have caused and will continue to cause substantial and irreparable damage to CyWee.

116. As a result of Defendants' infringement of the '438 Patent, CyWee has been damaged. CyWee is, therefore, entitled to damages pursuant to 35 U.S.C. § 284 in an amount that presently cannot be pled but that will be determined at trial.

PATENT INFRINGEMENT OF U.S. PATENT NO. 8,522,978

117. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-116 as though fully set forth herein.

118. The '978 Patent, titled "3D Pointing Device and Method for Compensating Rotations of the 3D Pointing Device Thereof," was duly and legally issued by the United States Patent and Trademark Office on October 8, 2013 to CyWee Group Limited, as assignee of named inventors Zhou Ye, Chin-Lung Li, and Shun-Nan Liou.

119. CyWee is the owner of all right, title, and interest in and to the '978 Patent with full right to bring suit to enforce the patent, including the right to recover for past infringement damages.

120. The '978 Patent claims, *inter alia*, a machine capable of detecting, measuring, and calculating the movements and rotations of the machine—utilizing, *inter alia*, a nine-axes motion sensor module and two computing processors in one or more claimed configurations—and methods for measuring and calculating the movements and rotations of a device within a spatial reference frame.

121. The '978 Patent is directed to useful and novel particular embodiments and methods for detecting, measuring, and calculating motion within a spatial reference frame. The '978 Patent is not intended to, and does not, claim every possible means of detecting, measuring, and



calculating motion within a spatial reference frame. Accordingly, the '978 Patent is not directed to, and does not claim, the mere concept of motion sensing or of detecting, measuring, and calculating motion within a spatial reference frame.

122. Each and every claim of the '978 Patent is valid and enforceable and each enjoys a statutory presumption of validity separate, apart, and in addition to the statutory presumption of validity enjoyed by every other of its claims. 35 U.S.C. § 282.

123. CyWee is informed and believes, and thereupon alleges, that HTC has been, and is currently, directly and/or indirectly infringing one or more claims of the '978 Patent in violation of 35 U.S.C. § 271, including as stated below.

124. CyWee is informed and believes, and thereupon alleges, that HTC has directly infringed, literally and/or under the doctrine of equivalents, and will continue to directly infringe claims of the '978 Patent by making, using, selling, offering to sell, and/or importing into the United States products that embody or practice the apparatus and/or method covered by one or more claims of the '978 Patent, including but not limited to Defendants' following devices:



HTC One M9



HTC One A9



HTC 10



HTC Bolt



HTC U Ultra

125. The foregoing devices are collectively referred to as the “’978 Accused Products” and include the below specifications and features.

126. On information and belief, HTC indirectly infringes the ’978 Patent by inducing others to infringe one or more claims of the ’978 Patent through sale and/or use of the ’978 Accused Products. On information and belief, at least as a result of the filing of this action, HTC is aware of the ’978 Patent; is aware that its actions with regards to distributors, resellers, and/or end users of the ’978 Accused Products would induce infringement; and despite such awareness will continue to take active steps—such as, creating and disseminating the ’978 Accused Products, and product manuals, instructions, promotional and marketing materials, and/or technical materials to

1 distributors, resellers, and end users—encouraging other’s infringement of the ’978 Patent with
2 the specific intent to induce such infringement.

3 127. The HTC One M9 includes a 3-axis geomagnetic sensor.

4 128. The HTC One M9 includes a 3-axis geomagnetic sensor that is capable of
5 measuring a geomagnetic field.

6 129. The HTC One M9 includes a 3-axis geomagnetic field sensor to measure a
7 geomagnetic field using a “Sensor Coordinate System.” See
8 https://developer.android.com/guide/topics/sensors/sensors_overview.html (describing “Sensor
9 Coordinate System”).

10 130. The Android operating system that runs on the HTC One M9 uses the measurement
11 from a 3-axis geomagnetic sensor included in the device.

12 131. The Android operating system that runs on the HTC One M9 uses the measurement
13 from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the
14 measurement from a 3-axis gyroscope to calculate an attitude of the device.

15 132. The Android operating system that runs on the HTC One M9 uses the measurement
16 from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the
17 measurement from a 3-axis gyroscope to calculate an attitude of the device that can be represented
18 by an azimuth angle, a pitch angle, and a roll angle.

19 133. The HTC One M9 has the ability to directly control apps by moving or rotating the
20 device (for example, racing game apps).

21 134. The HTC One M9 has the ability to run apps that can provide information based on
22 the direction your device is facing, such as a map or navigation app.

23 135. The HTC One A9 includes a 3-axis geomagnetic sensor.

24 136. The HTC One A9 includes a 3-axis geomagnetic sensor that is capable of measuring
25 a geomagnetic field.
26

1 137. The HTC One A9 includes a 3-axis geomagnetic field sensor to measure a
2 geomagnetic field using a “Sensor Coordinate System.” *See*
3 https://developer.android.com/guide/topics/sensors/sensors_overview.html (describing “Sensor
4 Coordinate System”).

5 138. The Android operating system that runs on the HTC One A9 uses the measurement
6 from a 3-axis geomagnetic sensor included in the device.

7 139. The Android operating system that runs on the HTC One A9 uses the measurement
8 from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the
9 measurement from a 3-axis gyroscope to calculate an attitude of the device.

10 140. The Android operating system that runs on the HTC One A9 uses the measurement
11 from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the
12 measurement from a 3-axis gyroscope to calculate an attitude of the device that can be represented
13 by an azimuth angle, a pitch angle, and a roll angle.

14 141. The HTC One A9 has the ability to directly control apps by moving or rotating the
15 device (for example, racing game apps).

16 142. The HTC One A9 has the ability to run apps that can provide information based on
17 the direction your device is facing, such as a map or navigation app.

18 143. The HTC 10 includes a 3-axis geomagnetic sensor.

19 144. The HTC 10 includes a 3-axis geomagnetic sensor that is capable of measuring a
20 geomagnetic field.

21 145. The HTC 10 includes a 3-axis geomagnetic field sensor to measure a geomagnetic
22 field using a “Sensor Coordinate System.” *See*
23 https://developer.android.com/guide/topics/sensors/sensors_overview.html (describing “Sensor
24 Coordinate System”).
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1 146. The Android operating system that runs on the HTC 10 uses the measurement from
2 a 3-axis geomagnetic sensor included in the device.

3 147. The Android operating system that runs on the HTC 10 uses the measurement from
4 a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the
5 measurement from a 3-axis gyroscope to calculate an attitude of the device.

6 148. The Android operating system that runs on the HTC 10 uses the measurement from
7 a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the
8 measurement from a 3-axis gyroscope to calculate an attitude of the device that can be represented
9 by an azimuth angle, a pitch angle, and a roll angle.

10 149. The HTC 10 has the ability to directly control apps by moving or rotating the device
11 (for example, racing game apps).

12 150. The HTC 10 has the ability to run apps that can provide information based on the
13 direction your device is facing, such as a map or navigation app.

14 151. The HTC Bolt includes a 3-axis geomagnetic sensor.

15 152. The HTC Bolt includes a 3-axis geomagnetic sensor that is capable of measuring a
16 geomagnetic field.

17 153. The HTC Bolt includes a 3-axis geomagnetic field sensor to measure a geomagnetic
18 field using a “Sensor Coordinate System.” *See*
19 https://developer.android.com/guide/topics/sensors/sensors_overview.html (describing “Sensor
20 Coordinate System”).

21 154. The Android operating system that runs on the HTC Bolt uses the measurement
22 from a 3-axis geomagnetic sensor included in the device.

23 155. The Android operating system that runs on the HTC Bolt uses the measurement
24 from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the
25 measurement from a 3-axis gyroscope to calculate an attitude of the device.
26

1 156. The Android operating system that runs on the HTC Bolt uses the measurement
2 from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the
3 measurement from a 3-axis gyroscope to calculate an attitude of the device that can be represented
4 by an azimuth angle, a pitch angle, and a roll angle.

5 157. The HTC Bolt has the ability to directly control apps by moving or rotating the
6 device (for example, racing game apps).

7 158. The HTC Bolt has the ability to run apps that can provide information based on the
8 direction your device is facing, such as a map or navigation app.

9 159. The HTC Ultra U includes a 3-axis geomagnetic sensor.

10 160. The HTC Ultra U includes a 3-axis geomagnetic sensor that is capable of measuring
11 a geomagnetic field.

12 161. The HTC Ultra U includes a 3-axis geomagnetic field sensor to measure a
13 geomagnetic field using a “Sensor Coordinate System.” See
14 https://developer.android.com/guide/topics/sensors/sensors_overview.html (describing “Sensor
15 Coordinate System”).

16 162. The Android operating system that runs on the HTC Ultra U uses the measurement
17 from a 3-axis geomagnetic sensor included in the device.

18 163. The Android operating system that runs on the HTC Ultra U uses the measurement
19 from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the
20 measurement from a 3-axis gyroscope to calculate an attitude of the device.

21 164. The Android operating system that runs on the HTC Ultra U uses the measurement
22 from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the
23 measurement from a 3-axis gyroscope to calculate an attitude of the device that can be represented
24 by an azimuth angle, a pitch angle, and a roll angle.
25
26

1 165. The HTC Ultra U has the ability to directly control apps by moving or rotating the
2 device (for example, racing game apps).

3 166. The HTC Ultra U has the ability to run apps that can provide information based on
4 the direction your device is facing, such as a map or navigation app.

5 167. CyWee adopts, and incorporates by reference, as if fully stated herein, the attached
6 claim chart for claim 10 of the '978 Patent, which is attached hereto as Exhibit B. The claim chart
7 describes and demonstrates how HTC infringes the '978 Patent. In addition, CyWee alleges that
8 HTC infringes one or more additional claims of the '978 Patent in a similar manner.

9 168. Defendants' acts of infringement have caused and will continue to cause substantial
10 and irreparable damage to CyWee.

11 169. As a result of Defendants' infringement of the '978 Patent, CyWee has been
12 damaged. CyWee is, therefore, entitled to damages pursuant to 35 U.S.C. § 284 in an amount that
13 presently cannot be pled but that will be determined at trial.

14
15 **PRAYER FOR RELIEF**

16 **WHEREFORE, PREMISES CONSIDERED,** Plaintiff prays for entry of judgment
17 against Defendants as follows:

18 A. A judgment that Defendants have infringed and continue to infringe the '438 Patent
19 and '978 Patent, directly and/or indirectly, as alleged herein;

20 B. That Defendants provide to CyWee an accounting of all gains, profits, and
21 advantages derived by Defendants' infringement of the '438 Patent and '978 Patent, and that
22 CyWee be awarded damages adequate to compensate them for the wrongful infringement by
23 Defendants, in accordance with 35 U.S.C. § 284;

24 C. That CyWee be awarded any other supplemental damages and interest on all
25 damages, including, but not limited to, attorney fees available under 35 U.S.C. § 285;

1 D. That the Court permanently enjoin Defendants and all those in privity with
2 Defendants from making, having made, selling, offering for sale, distributing, and/or using
3 products that infringe the '438 Patent and '978 Patent, including the '438 Accused Products and/or
4 '978 Accused Products, in the United States; and

5 E. That CyWee be awarded such other and further relief and all remedies available at
6 law.

7
8 **DEMAND FOR JURY TRIAL**

9 Pursuant to Federal Rule of Civil Procedure 38(b), CyWee hereby demands a trial by jury
10 on all issues triable to a jury.

11 RESPECTFULLY SUBMITTED June 16, 2017.

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